

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALVALOIS ROBINSON,

Plaintiff,

v.

Case No: 07-12751

Honorable David M. Lawson

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND REMANDING CASE**

Presently before the Court is the report and recommendation issued on March 7, 2008 by Magistrate Judge Virginia Morgan pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1. The plaintiff and defendant filed cross-motions for summary judgment in this social security case, and Magistrate Judge Morgan recommended that this Court grant the plaintiff's motion for summary judgment be granted in part, and remand the matter to the agency under sentence four of 42 U.S.C. § 405(g). Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 15] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt #11] is

GRANTED in part and the defendant's motion for summary judgment [dkt #14] is **DENIED**.

It is further **ORDERED** that the case is remanded to the social security administration for further proceedings.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 27, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 27, 2008.

s/Felicia M. Moses
FELICIA M. MOSES